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2 Federal Defender
3 ALLISON CLAIRE, Bar #170138
4 Assistant Federal Defender
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7 Telephone: (916) 498-5700

8 Attorney for Petitioner
9 MONTERIO TYRONE PINCKNEY

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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

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16 MONTERIO TYRONE PINCKNEY,) NO. CIV S-05-0144 FCD GGH P
17 v.)
18 Petitioner,)
19)
20 D.L. RUNNELS, Warden,)
21 v.)
22 Respondent.)
23)
24)
25)
26)
27)
28)

29 Petitioner, MONTERIO TYRONE PINCKNEY, and Respondent, D.L.
30 RUNNELS, by and through their undersigned counsel, hereby agree and
31 stipulate as follows:

32 1. Counsel was appointed for petitioner by order filed March
33 11, 2005. For reasons unknown to the undersigned, the order never
34 reached the Habeas and Appeals Unit of the Federal Defender's Office.
35 On April 14, 2005, Assistant Federal Defender Ann McClintock received a
36 telephone call from the Office of the Attorney General regarding the
37 status of this case. No case file for Mr. Pinckney had been opened in
38 this office, and counsel had not yet been assigned.

1 2. Assistant Federal Defender Allison Claire has now been
2 assigned to represent Mr. Pinckney. Newly-assigned counsel has no
3 familiarity with the case. Time is required to obtain a copy of the
4 district court file, copies of all files and transcripts related to the
5 underlying criminal case, and the files of past and pending collateral
6 state proceedings. Petitioner's counsel cannot prepare a joint
7 scheduling statement without preliminary review of these documents and
8 files.

9 3. Deputy Attorney General Laura Simpton, counsel for
10 respondent, was also unaware of the order appointing counsel, directing
11 service of the petition, and requiring a joint scheduling statement.
12 Recent implementation of a new computerized document management system
13 in the Office of the Attorney General has caused delays in the receipt
14 of documents, and related administrative problems. As the result of
15 this transition, counsel for respondent was unaware of the need to
16 prepare a joint scheduling statement until April 14, 2005. Counsel for
17 respondent has not yet personally received the petition and related
18 files. Respondent's counsel cannot prepare a joint scheduling
19 statement without preliminary review of all documents and files related
20 to the case.

21 4. Accordingly, the parties respectfully request that the
22 deadline for the joint scheduling statement be extended to May 30,
23 2005.

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5. Counsel for respondent has authorized the undersigned to electronically sign this document on her behalf.

Dated: April 15, 2005

Respectfully submitted,

QUIN DENVIR
Federal Defender

/s/
ALLISON CLAIRE
Assistant Federal Defender
Attorneys for Petitioner
MONTERIO TYRONE PINCKNEY

Dated: April 15, 2005

BILL LOCKYER
Attorney General

/s/
LAURA SIMPTON
Deputy Attorney General
Attorneys for Respondent
D.L. RUNNELS

[PROPOSED] ORDER

By stipulation of the parties and for good cause shown, the parties' joint request for an extension of time to file the scheduling statement is hereby GRANTED. The joint scheduling statement shall be filed no later than May 30, 2005.

IT IS SO ORDERED.

Dated: 4/20/05

/s/ Gregory G. Hollows

HON. GREGORY G. HOLLOW
U.S. Magistrate Judge

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